

would have a devastating effect on the surrounding communities. Converting the mine into a world-class research facility holds great promise for the scientific community at large and would minimize the disruption the mine's closure will have on the region. With an underground laboratory, hundreds of new jobs would be created, business would expand, and new opportunities for growth and learning would abound.

If Homestake is selected as the site for a national underground science laboratory, it is imperative for the project to be funded this year. Unless construction begins this year, Homestake Mining Company will allow the mine shafts to flood when the mine closes, permanently foreclosing any chance of building the lab at Homestake. Moreover, the longer we delay, the more likely it is that the mine's workforce will leave, crippling our ability to construct the lab.

The Bond/Mikulski amendment will greatly enhance the prospects that valuable scientific ventures like the national underground physics laboratory will secure the government support needed to make them viable. I encourage my colleagues to support it.

AMENDMENT NO. 322

Mr. DODD. I call up amendment No. 322.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 322.

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase discretionary funding for Early Learning, Child Care Development Block Grant, Child Abuse Prevention and Treatment, and Pediatric GME programs)

On page 2, line 17, increase the amount by \$1,163,000,000.

On page 2, line 18, increase the amount by \$1,498,000,000.

On page 3, line 13, decrease the amount by \$1,163,000,000.

On page 27, line 3, increase the amount by \$243,000,000.

On page 27, line 4, increase the amount by \$243,000,000.

On page 28, line 22, increase the amount by \$50,000,000.

On page 28, line 24, increase the amount by \$50,000,000.

On page 32, line 15, increase the amount by \$870,000,000.

On page 32, line 16, increase the amount by \$870,000,000.

On page 43, line 15, decrease the amount by \$1,163,000,000.

On page 43, line 16, decrease the amount by \$1,163,000,000.

On page 48, line 8, increase the amount by \$1,163,000,000.

On page 48, line 9, increase the amount by \$1,163,000,000.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 288

Mr. VOINOVICH. Mr. President, on behalf of Senators GREGG and FEIN-

GOLD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. FEINGOLD and Mr. GREGG, proposes an amendment numbered 288.

Mr. VOINOVICH. I ask unanimous consent the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the fiscal discipline of the budget process)

At the appropriate place, insert the following:

SEC. . EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, the provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) CONFORMING REPEAL.—Section 205 of H. Con. Res. 290 (106th Congress) is repealed.

SEC. . CLOSING BUDGET LOOPHOLES.

(a) CHANGING CAPS.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that changes the discretionary spending limits this resolution.

(b) WAIVING SEQUESTER.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. VOINOVICH. Mr. President, when I came to the Senate in 1999, one of my goals was to bring fiscal responsibility to Congress and to our Nation.

In this regard, I have pursued my fiscal priorities, which are: pay down the debt, control spending, and, if possible, return to the taxpayers any of their money that is not needed to meet our most pressing obligations.

Over the last 2 years we have had the proverbial "good news/bad news" with respect to putting our fiscal house in order.

The good news is, we are not using the Social Security surplus or the Medicare Part A surplus to cover our spending, allowing them instead to be used as they were intended. In effect, we have managed to "lock box" Social Security since 1999, and Medicare since 2000. I think we need legislation to make sure we continue to do that.

In addition, because we haven't dipped into Social Security or Medicare surpluses, we have been able to allocate a total of \$363 billion towards debt reduction in the last 2 years.

The bad news is, we have spent far too much money over the last 2 years. For fiscal year 2001, we increased non-defense discretionary spending 14.3 percent last year and we had an 8.6 percent increase the year before.

In the last half of last year, the 106th Congress increased spending over 10 years by \$598 billion. Nearly \$600 billion of the taxpayers' money gone—used up. That is disgraceful.

Therefore, to help avoid a repetition of this sad episode, I am proposing this amendment with my two colleagues, Senator FEINGOLD and Senator GREGG.

The amendment we are offering helps to refine the procedures in the budget